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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 39th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 16 April 1999, at 3 p.m.

Chairperson:	Ms. ANDERSON	(Ireland)
later:	Mr. SIMKHADA (Vice-Chairperson)	(Nepal)
later:	Ms. ANDERSON (Chairperson)	(Ireland)

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The meeting was called to order at 3 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), bringing the Commission up to date on developments over the past week in the Kosovo crisis pursuant to its resolution 1999/1, said that the Special Rapporteur on Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia had visited Skopje from 8 to 14 April and had held a number of meetings with institutional partners. Her personal representative had also held meetings and heard personal testimonies from refugees in Skopje. He had then, accompanied by staff members from her Office (OHCHR), travelled on to Tirana, where he had met institutional partners. There were currently seven OHCHR staff members in Skopje, six in Tirana and two in Podgorica. Two of the staff members in Tirana planned to join the two already in Montenegro. Thanks to offers of assistance from the Governments of Switzerland and Norway, it was hoped to augment those numbers shortly. The Governments of Germany and the Netherlands had provided financial assistance for the emergency redeployment.

2. OHCHR staff members had established contacts with local organizations that could assist in identifying credible witnesses able to provide recent and reliable information on alleged violations of human rights. They had also interviewed refugees in the camps and villages. Data were being collected and coordinated with other organizations, such as the Organization for Security and Cooperation in Europe (OSCE) and the International Criminal Tribunal for the Former Yugoslavia, to avoid duplication. It was such activities that enabled her to report to the Commission on developments in the field.

3. Over half a million people had fled from Kosovo. The number of internally displaced persons within Kosovo was estimated at several hundred thousand; thousands were believed to be in hiding, spending the nights in the forests and icy mountain areas, with little or no food or fresh water. Kosovo Albanians urged the international community to assist them, particularly since more than half the people forced out of their homes in Kosovo appeared to be children.

4. Detailed accounts of serious human rights violations allegedly perpetrated in Kosovo by Serbian police and paramilitary forces continued to be received. Recent arrivals continued to report that they had been forced to leave at gunpoint, in some cases following threats from paramilitary forces, police or gangs of armed and often masked Serb civilians. There were also reports of people being displaced through aerial military action. Refugees at the Brazda camp stated that they had been ordered to leave their homes in Pristina by armed special police forces at five minutes' notice. Notes had been placed on the doors of some apartment buildings identifying the Albanians living there. In some cases the keys of the house and the whole family's identity papers had been confiscated by the police. Many said that their houses had been looted after their departure.

5. Villages in Kosovo were being emptied of their Albanian inhabitants. A doctor from Obilic had stated that, on 24 March 1999, masked men had boarded the bus on which he was travelling and confiscated the stamp with his

physician's legitimation. After the bombing had started, according to the doctor, paramilitary forces had taken control of Pristina. All streets had been blocked and no one had dared to venture out. On 27 March, paramilitaries had come to his neighbourhood, ordering everyone to leave their homes immediately.

6. Over the past few days there had been alarming reports of large-scale summary executions of ethnic Albanians in four identified locations: Djakovica, Orahovac, Ljubenic and Kotlina. The Special Rapporteur and her own personal representative had also received testimonies from refugees about individual cases of arbitrary killings. A 65-year-old man, who had been a judge in Pristina, reported that, on 27 March, paramilitaries had broken into his house and forced out his entire family. Identification papers, money and valuables had been confiscated. Together with other people from the neighbourhood, they had been ordered to walk to Pristina railway station. On the way, a woman carrying a baby had tried to run away. One of the paramilitaries had immediately shot her dead. The fate of her infant was not known.

7. OHCHR staff members were interviewing people who had witnessed summary executions. One refugee had found the body of an Albanian colleague killed by gunfire and decapitated. Other witnesses reported that, in some villages, entire families had been killed, while other persons had reportedly been killed by sniper fire.

8. With regard to the treatment of women, one witness reported that three policemen on the train to the Macedonian border had taken three Albanian females aged between 18 and 22 into another compartment. One officer had been heard to say: "You have no documents, we'll have to punish you." Another witness had testified that Serb police had threatened to undress her sister if she refused to hand over all her money. There were reports of the rape of ethnic Albanian women and girls in Kosovo, especially in Djakovica. Her staff members were seeking reliable accounts from women refugees, with help from local non-governmental organizations (NGOs) and female refugee doctors.

9. The Secretary-General's Special Representative for Children and Armed Conflict had expressed his grave concern: many children had been traumatized by the violence, the expulsion and the killings they had witnessed.

10. She had received reports that groups of expellees had been directed by the regular Serbian army to certain locations to be used as human shields. One such report concerned an ammunition depot (Fabrika E Gypave) near Urosevac, where they had been told they would have to stay to prevent bombing by the North Atlantic Treaty Organization (NATO). Her staff would continue to interview people from Urosevac about the allegations over the next few days.

11. There was widespread reporting of the separation of family members, particularly young males, who had not subsequently been seen or traced. A significant number of innocent civilians had been killed in the course of military action. On 13 April, a train had been hit by an air strike in southern Serbia. On 14 April, about 75 internally displaced persons had been

killed in aerial military action. The Government of the Federal Republic of Yugoslavia asserted that 500 civilians had been killed as a result of such action.

12. She called on the responsible authorities in the Federal Republic of Yugoslavia and on the international community to take all necessary measures to put an end to the violations of the fundamental human rights of the people of Kosovo and, in particular, to protect the lives and security of all civilians and non-combatants in the area. She joined the call made by the Secretary-General for the immediate release of two Australian humanitarian workers. All efforts should be intensified to achieve a peaceful resolution of the situation.

13. Mr. McNAMARA (Director, Division of International Protection, Office of the United Nations High Commissioner for Refugees (UNHCR)) said that there were currently 312,000 refugees in Albania, 115,000 in the former Yugoslav Republic of Macedonia and almost 70,000 in Montenegro: altogether there were some 600,000, including 12,000 who had arrived over the past week. There were some 150 UNHCR staff members deployed in the area.

14. UNHCR had already been in the area for 14 months, providing humanitarian assistance for more than 400,000 refugees. Despite criticism of UNHCR, there had not been at any stage a noticeable increase in the mortality rate through disease or a lack of food or shelter.

15. The crisis was the result of a political failure. It was important that humanitarian activity should retain its character amidst the highly politicized and militarized responses. UNHCR faced the enormous task of providing for over half a million refugees; it had planned for 100,000 but 80,000 had arrived in a single day. There were, however, contingency plans for a much larger exodus from Kosovo. UNHCR was working with its sister agencies, including the OSCE.

16. There were few parallels to the current situation in recent refugees history. UNHCR was especially concerned about the human rights of women and children, who formed a very high proportion of the refugees arriving. Their rights had been violated before, during and after they had left Kosovo and responding to that situation was a high priority. Forced deportation had brought a new dimension to the refugee problem, inasmuch as the destruction of documents by the Serbs was deliberate, denying the refugees their official identity and their entitlement to property. It was also a difficult logistical problem to register the refugees, in the face of potential statelessness on a vast scale, their possible repatriation and, very probably, disputed property claims.

17. UNHCR was concerned to maintain the strictly civilian and humanitarian status of the refugee camps, which could not be situated on borders or contain armed activists or military personnel. UNHCR and OHCHR had long been engaged in close collaboration, in the Great Lakes region of Africa and elsewhere. He hoped that the experience would be repeated during the current crisis.

18. The CHAIRPERSON recalled an issue that had arisen during the Commission's twelfth meeting of the session (E/CN.4/1999/SR.12, paras. 61-63)

in relation to points of order. The Observer for Palestine had sought to raise a point of order and, in accordance with the Commission's long-standing practice, she had ruled that an observer delegation did not have such a right. The Observer for Palestine had disagreed with her ruling maintaining that, in accordance with General Assembly resolution 52/250, his delegation had the right to raise points of order related to proceedings on Palestine and Middle East issues in all United Nations organs.

19. She had urgently requested the opinion of the Legal Adviser in New York and had informed the Observer for Palestine that she would be guided by the advice of the Legal Office. That advice had since been received and had made it clear that General Assembly resolution 52/250 was applicable in all United Nations organs. It was therefore clear that the Observer for Palestine was entitled to have his right recognized in the Commission and she would be making a formal ruling to that effect.

20. The advice received from the Legal Office had also dealt with the right of observer Governments generally to make a point of order. The long-standing practice in the Commission of not allowing such a right had been based on an opinion of the Legal Counsel in January 1988. The recent advice was that the Commission should review its practice to bring it into conformity with the established practice of the Economic and Social Council and the other functional commissions and to be in a position to give effect to General Assembly resolution 52/250.

21. Accordingly, she recommended that the Commission should change its practice so that points of order could be raised by observer Governments as well as by member Governments. Not to do so would create an anomalous situation. She was aware that intensive consultations were continuing among the members of the Commission, and she expected to be in a position to make a ruling on the matter within the coming week.

SPECIFIC GROUPS AND INDIVIDUALS:

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(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (continued) (E/CN.4/1999/75-79 and Add.1 and 2, 80, 85, 113, 114, 119, 125-127, 130, 131-134 and 139; E/CN.4/1999/NGO/46, 53, 54 and 82; A/53/339 and Add.1; E.CN.4/Sub.2/1998/18; E/CN.4/AC.46/1998/5)

22. Mr. TYSZKO (Poland) said that, according to an epidemiological report published by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization (WHO) in December 1998, over 33 million people around the world were living with HIV/AIDS, including 21 million in sub-Saharan Africa. The impact of HIV was increasing in areas where infection

rates were high, wiping out gains in life expectancy, child mortality and productivity, and there had been a sharp increase in AIDS care needs and the number of orphans and old people living without support.

23. The protection of human rights was an essential part of any effective response to the HIV/AIDS pandemic. An environment in which human rights were respected reduced vulnerability to HIV infection, enabled those infected to live in dignity and without discrimination, and created an environment in which effective HIV/AIDS prevention and care programmes could be designed with full community support. Vital information on preventive measures was communicated to vulnerable groups and people were encouraged to participate in public health programmes that offered testing, counselling and early diagnosis of opportunistic infections.

24. The International Guidelines on HIV/AIDS and Human Rights published by UNAIDS and OHCHR focused on three areas for action: ensuring a multisectoral response; legal reform and the protection of vulnerable groups; and community mobilization and empowerment. Implementation of the Guidelines called for a high level of political commitment, a legal framework supportive of effective prevention and care programmes; and empowerment of groups and individuals at the community level. The Secretary-General's report (E/CN.4/1999/76) noted that a number of countries and international governmental and non-governmental organizations had made progress in disseminating and implementing the Guidelines, but a great deal remained to be done.

25. His delegation was sponsoring a draft resolution for adoption by the Commission entitled "The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)", which expressed concern about the devastating scale of the pandemic and the discrimination that many affected or infected persons experienced in law, policy and practice. It invited the human rights treaty bodies and the mechanisms of the Commission to give special attention to HIV/AIDS-related human rights. He noted with satisfaction that the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women had already taken steps in that direction.

26. Mr. DENG (Representative of the Secretary-General on internally displaced persons) said that recent scenes of hundreds of thousands of refugees fleeing into Albania, the former Yugoslav Republic of Macedonia and Montenegro revealed only one side of the tragedy that was currently unfolding. Those trapped in Kosovo remained in the grips of a regime whose capacity for brutality appeared boundless. The full scale of their plight remained unknown.

27. The State bore primary responsibility for providing protection and assistance in any situation of internal displacement but it often treated displaced persons as the enemy. At the Commission's request, the Guiding Principles on Internal Displacement had been formulated to address the resulting protection gap. Building on existing legal norms, they provided practical guidance as to how the law should be interpreted and applied in all phases of displacement. The Guidelines had been widely disseminated by United Nations bodies and NGOs and well received by the international community. The Inter-American Commission on Human Rights had begun to apply

them in the field and the OSCE had disseminated them among its members. The Organization of African Unity (OAU) had held seminars on the subject and its Commission on Refugees had placed them on the agenda of a forthcoming meeting.

28. The Under-Secretary-General for Humanitarian Affairs had made the plight of internally displaced persons a priority area of concern for his Office and for the Inter-Agency Standing Committee (IASC), whose membership comprised the major humanitarian and development agencies. However, the development of a clear and consistent international approach to the protection of internally displaced persons was still at a nascent stage. The response was ad hoc and selective and the consent of the State concerned was sometimes withheld. In cases where Governments were not open to dialogue, the limitations of human rights and humanitarian mandates became painfully apparent. Strategies for addressing such situations were urgently needed and the Kosovo crisis underscored the need for early response. The Commission had been expressing concern about the systematic displacement of ethnic Albanians there for several years and the situation of internally displaced persons in a number of other countries was equally deserving of attention. It was time to agree on a clear legal and institutional framework for protecting the tens of millions of people whose tragic plight did not attract media attention.

29. Mr. PLORUTTI (Argentina) said he agreed with the conclusions and recommendations of the working group of intergovernmental experts on the human rights of migrants (E/CN.4/1999/80).

30. Argentina was a country of immigrants and its migration policy was based on recognition of the equal rights of Argentine nationals and foreigners. International migration had played a major role in the evolution of Argentine society, which was proud of its racial and cultural diversity and the peaceful coexistence of different religions.

31. Since 1989, the country's economic development had attracted immigrants from neighbouring countries, many of them without documentation. Amnesties had been issued to hundreds of thousands of them and bilateral treaties had been negotiated with Bolivia, Peru and Paraguay. According to the International Organization for Migration (IOM), over a million people would be covered by the treaties, which would be of immediate benefit both to the partner countries and to the immigrants themselves.

32. In 1994, his Government had launched a policy to promote immigration from Central and Eastern Europe. The special treatment provisions had recently been extended until 31 December 1999. Immigrants were granted a renewable one-year temporary residence permit without having to provide proof of an employment contract.

33. Congress was debating an amendment to the General Migration Act designed primarily to prosecute criminal activities related to illegal immigration such as trafficking in immigrants and the provision of false identity documents. Argentina's current liberal immigration policies were based inter alia on the recognition that unduly restrictive legislation was a cause of criminal practices.

34. Mr. STROHAL (Austria) said that the Kosovo tragedy demonstrated the need for effective protection of minorities and displaced persons. The brutal repression of the ethnic Albanians overshadowed the small-scale but tangible progress achieved elsewhere. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities clearly stipulated that States must protect and promote the identity and rights of minorities. The Secretary-General's report (E/CN.4/1999/78) stressed the role of human rights treaty bodies and instruments in the realization of minority rights. He looked forward to receiving a more comprehensive report on the activities of the United Nations system in that area at the next session.

35. The Working Group on Minorities had made substantial progress over the past year thanks to the participation of a large number of observer Governments, institutions and minority representatives in its proceedings. NGOs should be given assistance to attend the meetings and seminars should be organized to promote familiarity with the Declaration. His delegation supported the recommendations of the Working Group, whose mandate should be broadened to include transmission to Governments of the information brought to its attention and dissemination of good practices in the field of minority protection. The Working Group should also be involved in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

36. The international response to the tragic plight of internally displaced persons had been largely ad hoc and had focused primarily on their need for assistance, but their protection needs were equally important. The representative of the Secretary-General was implementing a complex mandate with an impressive record of achievement. The Guiding Principles on Internal Displacement had gained international recognition as an important practical tool. His delegation welcomed the adoption by the IASC Working Group of detailed terms of reference for its work with internally displaced persons, the appointment of an Emergency Relief Coordinator as the focal point for inter-agency coordination and the designation of focal points in other United Nations agencies. It agreed with the representative of the Secretary-General that country missions were an important part of his mandate. The representative should be provided with sufficient resources to undertake more country missions and ensure the necessary follow-up. His delegation also agreed with the IASC that the representative should focus on advocacy. In general, he deserved strong support for the continuation of his overall catalytic role.

37. Special regulations to promote the integration of foreigners residing in Austria had recently been adopted. Family members would henceforth have easier access to the labour market. The Government's integration assistance policy would ensure that foreigners participated in the country's economic, cultural and social life. The Commission's working group on the human rights of migrants had focused on the situation of recipient countries. His Government believed that it should develop an overall approach to the issue that took also into account the root causes of migration.

38. His delegation intended to sponsor draft resolutions on the protection of minorities and internally displaced persons. He hoped that they would be adopted without a vote.

39. Mr. LI Baodong (China) said that his delegation had participated actively in the proceedings of the Working Group on Minorities and agreed with its Chairman that protection of the rights of minorities was conducive to the political and social stability of the countries in which they lived. His delegation supported further action by the Working Group in accordance with the purposes and principles of the Charter of the United Nations.

40. In view of differences in history, cultural traditions, level of development and the composition of ethnic groups, countries wishing to protect their minorities should both respect internationally recognized human rights principles and adopt specific measures to meet domestic conditions. The international community should exchange experience in that area through dialogue and cooperation based on equality and mutual respect, avoiding double standards and activities that undermined the territorial integrity of other countries.

41. China was a unified country with many ethnic groups. Minorities accounted for 8.98 per cent of the total population. His Government pursued policies designed to protect their legitimate rights and had taken legal steps to establish special minority rights so as to promote equality and mutual assistance among all ethnic groups. Ethnic minorities and the Han group enjoyed equal rights in administration at the central, regional and ethnic-group levels. All ethnic groups had representatives in the National People's Congress and the People's Political Consultative Conference and many held high-ranking positions. Members of the corresponding ethnic groups also occupied the top administrative offices in the 5 autonomous regions, 30 autonomous prefectures and 125 autonomous counties.

42. The economic and cultural development of ethnic minorities was vigorously supported. Religious beliefs, customs and habits, traditional cultures, and the use and development of minority languages were protected by law. Minority languages enjoyed equal status with the Chinese language in judicial affairs and all ethnic groups were entitled to use their own languages in court proceedings. The Government also provided assistance to minority regions to promote their economic and social development. Since 1994, 60 out of 62 planned aid projects for the Tibetan Autonomous Region, involving a total investment of nearly 4,000 million yuan, had been implemented.

43. China was a State party to the Convention on the Elimination of All Forms of Racial Discrimination and recognized the importance of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It was willing to strengthen cooperation with United Nations human rights bodies on the basis of equality and mutual respect in the interests of the further promotion and protection of minority rights.

44. Mr. TRESSLER (Pakistan) said that the Constitution of Pakistan guaranteed the fundamental rights of minorities, which constituted 3 per cent of the country's population. They had the right to preserve their language, script, culture or religion. They could, above all, resort to the courts if their rights were infringed. They made an important contribution in all walks of life.

45. If left to the vagaries of a highly competitive electoral system, the representation of the minorities in civil and political life would have been minimal. The separate electoral system had therefore been introduced, by virtue of which minority members occupied 10 seats in the National Assembly and 23 in the various provincial assemblies. Contrary to the belief that separate electorates were discriminatory, the minorities themselves were currently demanding reserved Senate seats. No other country had a comparably representative system.

46. Instances of the misuse of the so-called "blasphemy laws" were mostly the result of ignorance or personal animosities. No death sentence pronounced by lower courts on charges of blasphemy had been upheld by the higher courts. Nor was the law being used especially against minorities: the vast majority of those charged were Muslims. The Government had, nonetheless, established an Inter-Faith Committee composed of eminent representatives from both majority and minority communities to consider the issues of separate electorates, the blasphemy laws and other matters of concern to the minorities.

47. Other measures to ensure the rights of minorities included the establishment of a ministry dealing with minority affairs at the federal and provincial levels and the operation of a National Commission on Minorities, whose members included various senior ministers.

48. Minorities had the right to profess, practise and propagate their religion and operate religious institutions. It had been made illegal to deny admission to any educational institution receiving public revenue on the grounds of race, religion, caste or place of birth. Indeed, a 3 per cent quota for students from the minority community had been reserved in the polytechnics of Baluchistan and special places were reserved at the university level.

49. The Government had established a renewable special fund for the acquisition and improvement of burial places and the repair and renovation of places of religious importance and educational institutions, for financial assistance to needy individuals and for development schemes. That was in addition to the normal share of development funds for public sector programmes.

50. Since 1982, deserving minority community students had received financial assistance with their education. A National Culture Award for minorities had been introduced for literature, the fine arts, performing arts and folk art. Awards would also be given to deserving individuals from the minorities for outstanding performance in the fields of scientific research or professional education.

51. The rights of the minority communities were best served by creating the conditions for social and economic progress. The Government's policies had overcome the financial difficulties of the past and restored Pakistan to the path of rapid growth.

52. Ms. ARRIAGA (United States of America) said that communities throughout the world were torn apart by conflict. The rights of all, especially those of minority groups, must be protected, as her compatriots had learnt from the bravery of civil rights workers in the 1960s.

53. The Constitution of her country, which had been formed by persons who had fled tyranny and sought freedom of conscience, guaranteed the right of all citizens to worship freely and there were dozens of different religious groups there. Its citizens were drawn from every nationality and ethnicity. Indeed, the country's interest in human rights conditions was born of the diversity of its communities; and an ambassador-at-large for international religious freedom had been appointed to work with other Governments to protect and advance religious freedom throughout the world.

54. The treatment of religious minorities in many countries was very disturbing. In China, the authorities continued to interfere with Protestant and Catholic groups that lacked official approval. They also attempted to suppress religious expression in Tibet and Xinjiang, to disparage the Dalai Lama and to refuse access to the 10-year-old Panchen Lama designated by the Dalai Lama. In Sudan, a long and bloody civil war continued to be fuelled by the regime's persecution of Christians, Muslims and Animists. In Iran, religious minorities, including Zoroastrians, Christians and especially the Baha'i, suffered harassment and discrimination. At least one Baha'i had been executed in 1998 for practising his faith, while others remained on death row. In Uzbekistan, the Government had severely restricted religious activities other than those by officially sanctioned groups. In Viet Nam the Government continued to restrict religious practice and had recently denied the Special Rapporteur on religious intolerance permission to visit the Patriarch of the Unified Buddhist Church.

55. In some countries, discrimination and violence among communities fuelled an atmosphere of intimidation against minority groups. In India, for example, violence against Christians had increased, despite Government condemnation. In Pakistan, sectarian violence between Shia and Sunni groups had claimed the lives of many, while religious minorities, such as the Ahmadis and Christians, faced harassment. In Egypt, some 6 million Coptic Christians faced both violent assault by extremists and societal discrimination. In Indonesia, there had been violence among communities that had coexisted for centuries. In Russia, there was a deeply disturbing rise in anti-Semitic incidents and statements, as well as restrictions on other groups, such as Jehovah's Witnesses.

56. Intolerance bred more intolerance. Authoritarian leaders who exploited such intolerance bore the responsibility for massive human rights disasters. The treatment of religious or ethnic minorities was among the most important indicators of looming conflict. The best protection for religious minorities was a profound respect for universal human rights that stemmed from a society based on the rule of law and democratic principles.

57. Her country had recently welcomed the Special Rapporteur on religious intolerance. Although he had found the situation generally satisfactory, he had un.ortunately misunderstood the importance of the Constitution's

separation of Church and State. Similarly, the Government did not collect statistics on religion because tracking people's religion was not its business.

58. Mr. MAJDI (Morocco) said that, in the boom years of the 1960s, the developed countries had welcomed immigrants with open arms. In the mid-1970s, however, the policy had changed and attempts were made to encourage immigrants - by then accused of all the ills of society - to return to their countries of origin.

59. Although measures to improve the situation had been adopted in some receiving countries, inequality of social and political rights persisted. Xenophobia and racism were on the rise and discrimination in housing, employment and training was a harsh reality. Immigrants' right to practise their religion was often flouted. Resolutions and recommendations of a liberal nature adopted by the European Parliament had not been followed up; indeed, provisions on immigration, the right of asylum and family reunion were invariably repressive.

60. It was deplorable that no developed country had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. To live with one's family was a fully recognized right and persons living and working in a receiving country should have the right to be reunited with their families. Forced repatriation and large-scale expulsion of people who had previously been drugged should be banned. The idea that immigrant workers would stay for a limited period and then return to their countries of origin was completely outmoded.

61. While he welcomed the inclusion of anti-discrimination clauses in directives of the European Community, there was still much to be done. The receiving countries should adopt - as some had already done - legislation to outlaw racism. Moreover, ageing immigrant workers were living in hostels intended for a young transient population. Thought must be given to solving the problem of their retirement and, in some cases, their treatment for ill health.

62. Mr. Simkhada (Nepal), Vice-Chairperson, took the Chair.

63. Mr. BANNAGA (Sudan) said that his Government attached high priority to the population displacement caused by the war in the southern part of the country. Its relief and rehabilitation policy was based on an acknowledgement of the constitutional right of citizens to freedom of movement and freedom to choose their place of abode. The Government further recognized that displaced citizens required special care but enjoyed the same rights to basic services as regular residents. It had established "peace villages" in areas under its control in conflict zones which provided basic services and facilities to enable farmers to become self-reliant.

64. Khartoum had received nearly 2 million refugees. They had formed irregular settlements throughout the city which had been organized by the Government into townships designed by European consultants in which they could be provided with basic services and integrated into city life. Resettlement was undertaken with careful planning, prior notification and the consent of

the displaced. Government policies sought to meet the real needs of the displaced and did not discriminate on the basis of ethnic origin or belief. NGOs had direct access to the townships, where they provided valuable services.

65. Despite its considerable efforts, the Government still had much to do with limited resources. It was currently working with the IOM on a project to gather information on the displaced population in order to identify its needs and provide more appropriate services. The international community was requested to provide resources to finance hospital construction, the development of sanitary and water-supply systems and other services and to give priority to rehabilitation and community integration in its assistance efforts.

66. Mr. FERRER RODRÍGUEZ (Cuba), having endorsed the statement by the representative of Guatemala on behalf of the Latin American and Caribbean States and welcomed the report of the Chairman of the working group of intergovernmental experts on the human rights of migrants (E/CN.4/1999/80), particularly the recommendation that a special rapporteur on that topic should be appointed, said that violations of migrants' rights was a problem in virtually every part of the world. One area of concern was the United States of America, where efforts to prevent migrants from crossing the country's southern border had resulted in the deaths of more than 350 people in 1998 alone. United States newspapers also reported instances of ill-treatment of migrants in detention.

67. While his delegation reaffirmed the right of all States to determine and regulate their migration policies, such provisions must be compatible with international legal instruments and the principles of international human rights law. Restrictive or repressive policies did not offer effective or sustainable solutions to the problem but led to undocumented migration and illegal trafficking.

68. The institutionalization of discrimination against immigrants by means of laws such as those adopted by the United States of America in connection with the economic blockade against Cuba, which denied even legally resident immigrants and their families access to basic social services, were a terrible violation of human rights, as were structural adjustment programmes that denied migrants social benefits and created anti-immigrant sentiment by portraying migrants as the source of social and economic problems.

69. A particularly disturbing trend was the increase in "horizontal" migration: more than half of all migrants currently lived in developing countries. Those countries were unable to enjoy their right to development, largely because of the developed countries' reluctance to promote economic justice through democratic means, a situation with serious consequences for the human rights of migrants.

70. There was no single solution to the problems posed by migration. What was required, in addition to international and national legal measures, was political will and multisectoral efforts undertaken in the context of policies aimed at promoting equal opportunities and social justice for migrants.

71. Mr. GUILLEN (Peru) said that his country had experienced a large wave of migration from rural areas in the early 1980s as a result of terrorist violence. Once his Government's policy of national pacification had proved successful, the Government and civil society had turned their attention to the situation of the internally displaced. That effort had been made possible by international financial cooperation from many sources, which he acknowledged with gratitude. More than half of all internally displaced had voluntarily returned to their place of origin, but many other problems had still to be solved.

72. The problem of internally displaced persons around the world was well described in the report of the representative of the Secretary-General (E/CN.4/1999/79 and Add.1-2), and the United Nations system should increase its efforts to address that problem, which was an enormous one. He commended the representative of the Secretary-General for his work on the Guiding Principles on Internal Displacement. The Guiding Principles made it clear that, while the primary responsibility for assisting and protecting the internally displaced lay with the Government of the country concerned, international assistance had a role to play when Governments were unable or unwilling to address the problem. There appeared to be a consensus that, apart from exceptional circumstances which represented a threat to international peace and security, the right to force a State to receive humanitarian assistance against its will did not exist. Such assistance must respect the principles of the sovereignty, territorial integrity and a national unity of States.

73. Of the areas identified in the report for further study, his delegation considered the issue of non-State actors to be important, since human rights legislation was generally applicable only to States. The special needs of displaced women and children, who constituted a high proportion of the displaced, was another important area.

74. Given the current financial situation of the United Nations and the fact that the needs of the displaced often exceeded the capacity of individual organizations to meet them, the inter-agency approach adopted by the United Nations system was the most realistic way of handling the problem.

75. Mr. CHOWDHURY (Bangladesh) said it was ironic that migration, which had enriched societies and strengthened civilizations throughout history, had become a major concern for many countries. The need for an effective regime to deal with international migration in the context of globalization and economic liberalization had thus become urgent. Regulations aimed at safeguarding the interests of domestic labour forces obstructed the free movement of labour and occasionally reflected racism. Migrants, particularly women and children, were one of the most vulnerable groups in contemporary society, although the economies of many host countries throve on cheap migrant labour.

76. He commended the working group of intergovernmental experts on its report (E/CN.4/1999/80), which succinctly identified the obstacles to migrants' enjoyment of their human rights and made recommendations which deserved the Commission's careful consideration. Efforts to deal with the

problem should focus on education with a view to eliminating bigotry and promoting tolerance. In that connection, he endorsed the recommendation that 18 December be designated as the International Day of the Migrant.

77. Coordinated action between countries of origin and receiving countries was required to combat trafficking in human persons. The Technical Symposium on International Migration and Development held in 1998 had recommended a mechanism to ensure the protection of migrants, and his delegation hoped that the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance would also address the question of migrants' rights. As existing human rights instruments did not systematically focus on migrants as a vulnerable social group, he endorsed the recommendation by the working group that a special rapporteur be appointed on the topic. His Government was committed to the cause of migrants and had recently ratified the International Convention on the subject.

78. Ms. VINNES (Norway) said that the effective exercise of their rights by minorities alleviated social tension and contributed to stability, while the cultural diversity represented by minorities enriched society. The Working Group on Minorities was a useful body which deserved to continue its activities. She welcomed, in particular, its efforts to enhance understanding of the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The principle of non-discrimination formed the basis for the protection of the rights of minorities but the effective exercise of those rights often required more than formal equality and the absence of discrimination. Decisive positive action to promote minorities' development must therefore be taken by Governments.

79. Mr. MAXIM (Romania) said that protection of the rights of national and ethnic minorities promoted democracy and social stability. Efforts to ensure adequate protection for members of national minorities must be marked by dialogue and collaboration. International instruments and bilateral agreements between States with expatriate national minorities and the States in which they lived were useful tools to that end. Romania had concluded a number of bilateral treaties with its neighbours to address issues such as education, historical and cultural heritage and the preservation of ethnic identity, and those agreements had enabled the parties to improve their human rights records substantially.

80. National minorities must look beyond the attainment of narrow goals and participate actively in efforts to solve problems of general concern. The Romanian Constitution guaranteed each of the country's 16 national minorities at least one seat in parliament. Other legislation authorized minority organizations to present candidates for local and general elections and to participate in the political life of the country.

81. Since 1998, his Government had taken further steps to ensure access to mother-tongue education at all levels and guarantee the use of minority languages in the administrative and judicial systems and as a means of consolidating ethnic identity. A Department for Protection of National

Minorities had been established to monitor specific problems. The Department was authorized to establish direct contacts with minorities, submit draft legislation and investigate complaints.

82. The Government attached priority to the educational and social condition of the Roma and a long-term national strategy for their integration was to be developed. Coordinating structures had been developed in the ministries of education, culture and labour to address the specific needs of that minority. Efforts had been made with support from a special budgetary fund to promote political NGOs and associations that dealt with Roma issues and to develop programmes to combat racism and intolerance.

83. In 1998, the Government had adopted legislation restoring to members of minorities the rights to property confiscated under the Communist regime.

84. Ms. Anderson (Ireland) resumed the Chair.

85. Mr. ABDEL MONEIM (Observer for Egypt) said it was disturbing that the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families had had only a limited success since migrant workers and their families constituted a vulnerable group exposed to daily human rights violations in all parts of the world. His delegation strongly supported the work of the intergovernmental expert group established by Commission resolution 1997/15 to develop a mechanism to monitor the rights of migrant workers. The rights of migrants should be accorded much greater protection than was currently the case and he suggested that an international declaration be drafted on all aspects of the rights of migrants in view of the failure of most States to ratify the International Convention.

86. Mr. KAVADZE (Observer for Georgia) said that the problems resulting from the violation of the fundamental human rights of 300,000 ethnic Georgians forcibly evicted by separatists from their historical homeland in the Abkhazian Autonomous Republic not only remained unresolved but were becoming worse. In May 1998, some 40,000 of them who had returned to the Gali region of Abkhazia had once again been expelled by so-called Abkhazian militia and foreign mercenaries. Despite numerous appeals to various international organizations, including OHCHR, those outrages had not received a proper assessment from the international community. At best, it had merely registered the fact of human rights violations by Abkhazian separatists without any steps being taken to prevent new acts of violence and to restore the rights of the Georgians subjected to ethnic cleansing.

87. To avoid a resort to force to resolve the problem, his delegation once again appealed to the Commission to provide an objective assessment of the conflict and to take decisive practical steps to contribute to its resolution. The human rights field office opened in Abkhazia was unable fully to perform the functions assigned to it. In view of the lack of international legal instruments providing for the restitution of housing and property of refugees and internally displaced persons returning home, his delegation had prepared a draft resolution which, it hoped, would be supported by all delegations.

88. Ms. PICTET-ALTHANN (Observer for the Order of Malta) said that her Order had moved in essential equipment, including a field hospital and medical team,

for a refugee camp established in Durres, Albania. UNHCR had also requested the Order to undertake responsibility for a refugee camp in Shkodra. In the former Yugoslav Republic of Macedonia, the Order was concentrating on distributing medicines and basic essentials. Nevertheless, refugee camps could be only a transitional solution and the rights of the people concerned could be restored only by permitting them to return home in dignity and security.

89. Mr. DRAGANOV (Observer for Bulgaria) said that the situation of the Bulgarian national minority in the Federal Republic of Yugoslavia had been a source of serious concern for several years. His Government had explored all possible avenues for the settlement of the matter on a bilateral basis but to no avail. The Kosovo crisis had given rise to additional concerns, since it might lead to a situation where persons belonging to national minorities, including the Bulgarian minority, might find themselves implicated against their will in ethnic cleansing. Mobilization of its natural leaders and other prominent figures might be an attempt to suppress dissident views among the Bulgarian national minority and there were disturbing reports of members of the Bulgarian community being forced to participate in public meetings in support of the Belgrade regime's policies.

90. Constant pressure to assimilate the Bulgarian national minority had led to de facto limitation of its rights, as a result of which some persons of Bulgarian origin were afraid to confess their Bulgarian identity. The right to use their mother tongue and to manifest their cultural identity had been persistently violated and Bulgarians were still being deprived of the right to profess their faith in their own language and to have priests of their own.

91. OHCHR should initiate, as a matter of urgency, a comprehensive programme to promote confidence-building among the communities in the Federal Republic of Yugoslavia so as to create the conditions necessary for the protection and promotion of human rights and fundamental freedoms for all, including the minorities.

92. Ms. AQUELINA (Observer for Malta) said that her Government had mounted a round-the-clock effort to aid the Kosovo Albanians and had offered to receive 100 refugees. However, only coordinated concern and action by the entire United Nations system would alleviate the sufferings of the displaced persons.

93. Her delegation also urged that all resolutions of the United Nations Security Council and of the Commission itself regarding the situation in Cyprus be implemented without delay.

94. Mr. HELLE (Observer for the International Committee of the Red Cross (ICRC)) said that the global approach adopted by the ICRC did not detract from the need to be sensitive to the specific needs of certain victims such as the internally displaced, who might be particularly exposed to the loss of their sources of livelihood and threats to their safety in periods of armed conflict. The millions of persons currently displaced within and across national borders testified to the lack of respect for international humanitarian law.

95. The Guiding Principles on Internal Displacement, presented to the Commission at its last session by the representative of the Secretary-General on internally displaced persons, had been sent to all ICRC field delegations together with suggestions as to how they might be used. In cases where humanitarian law was silent or no longer applicable, the ICRC might find the Guiding Principles a useful tool and might draw them to the attention of the actors concerned.

96. The ICRC would do its utmost to gain access to all persons affected by armed conflict so as to provide them with truly independent, neutral and impartial protection and assistance; to that end it would rely on its recognized status as a neutral intermediary in order to be allowed by all the parties involved in armed conflicts to carry out its humanitarian mandate.

97. Mr. PERRUCHOUD (Observer for the International Organization for Migration (IOM)) said that the IOM was participating with United Nations agencies and other partners in efforts to help in the evacuation, temporary reinstallation and return of the forcibly displaced people of Kosovo.

98. The excellent report of the working group of intergovernmental experts on migrants and human rights (E/CN.4/1999/80) proposed a number of measures which might remedy the situation of those persons, and it was incumbent on the Commission to emphasize the need for those measures and their timeliness, the more so as there had been an increase in irregular migration, and increasing abuse and exploitation of migrants.

99. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 had still not entered into force. The IOM was not, however, the guardian of any international convention and it would continue to work to ensure that the rights enshrined in international instruments were respected by States and that migratory processes were ordered, dignified and humane.

100. Ms. AHLUWALIA (Observer for the International Federation of Red Cross and Red Crescent Societies) said she welcomed the Guiding Principles on Internal Displacement compiled by the representative of the Secretary-General on internally displaced persons; her Federation was committed to their widest possible dissemination through its member societies. Protection was first and foremost the responsibility of national and international authorities, but international operational agencies and NGOs could provide supportive and complementary action. Nevertheless, humanitarian agents might not always have sufficient understanding of protection and how it interacted with their main function of delivering humanitarian assistance and they might require training so as not to risk the security of the persons they were seeking to protect. Similarly, human rights activists needed to have a better understanding of the issues involved in the delivery of humanitarian assistance.

101. A key problem with regard to the protection of the internally displaced was obtaining full and effective physical and legal access, without breaching a nation's sovereign rights. A further concern was the shortage of funds to assist displaced populations: many Governments were not only restricting access to asylum in their own countries but were also cutting assistance to the people concerned in their countries of origin. Governments should seek

timely and sustainable solutions to the increasing problem of mass exodus and displaced populations and her Federation would continue to work closely with UNHCR and the other relevant actors in that regard.

102. Ms. DANAILOV (Observer for Switzerland) said that minorities had an opportunity to make their voices heard by attending the session of the Working Group on Minorities, but many were unable to do so for financial reasons. Moreover, many States were not represented at the sessions of the Working Group or did not play an effective part in its work. The Working Group itself had suggested the establishment of a fund for voluntary contributions, which would enable more representatives of minorities to take part while, in order to attract more States, the Group had decided to send a written invitation to the many Governments that had been questioned, in their absence, about problems relating to their minorities to attend the 1999 session and engage in a dialogue with the minorities concerned. Her delegation, which was very keen that there should be active participation by States and by minorities in the next session of the Working Group, urged them to engage in dialogue in an open, non-polemical and cooperative spirit so as to achieve positive results for both.

103. Her delegation advocated the widest possible distribution of the Guiding Principles on Internal Displacement, presented to the Commission at its last session by the representative of the Secretary-General on internally displaced persons. Humanitarian agencies should use the Guiding Principles as a way of preventing and alleviating suffering and strengthening the protection of displaced populations and efforts should be made to ensure that political and military authorities at national level were made aware of the issues involved.

104. Mr. MAIMESKOUL (Observer for Ukraine) said that, while pursuing a domestic policy of ensuring the rights of persons belonging to national, ethnic, religious and linguistic minorities, his Government expected similar attention to be given to the needs of more than 12 million ethnic Ukrainians residing in more than 50 foreign countries. Unfortunately, in some countries, their status was not adequately secured. The effectiveness of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities could be substantially strengthened through more active involvement of the United Nations treaty bodies and special rapporteurs.

105. One of the most challenging problems for Ukraine in that area was the accommodation of the Crimean Tartars returning to their homeland. Since the early 1990s, more than 250,000 Crimean Tartars had arrived in Ukraine and many more were expected to follow. It was estimated that no less than US$ 3 billion would be required for their accommodation. Ukraine could certainly not provide such funding on its own, and assistance from UNHCR and the IOM, though welcome, fell short of what was needed.

106. Protection of the rights of minorities was an important factor in preserving peace and stability in individual countries and internationally: the example of Kosovo had vividly demonstrated how any miscalculation in that sphere could result in unpredictable situations.

The meeting rose at 6.05 p.m.